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10/694,393	10/28/2003	Yuji Arima	L8612.03106	9180

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EXAMINER

HERNANDEZ, NELSON D

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2622

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/694,393	Applicant(s) ARIMA ET AL.	
	Examiner Nelson D. Hernandez	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on June 22, 2007. These drawings are acceptable.

Response to Amendment

2. The Examiner acknowledges the amended claims filed on June 22, 2007.

Claims 1-16 have been canceled. **Claims 17-44** have been newly added.

Response to Arguments

3. Applicant's arguments with respect to **claims 17-31** have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. **Claim 17** is objected to because of the following informalities: in page 4, lines 4-5, **claim 17** recites "the program corresponding to the layout information on based on the link destination". Is the claim meant to recite "the program corresponding to the layout information based on the link destination"? Appropriate correction is required.
5. **Claim 23** is objected to because of the following informalities: in line 1, "The network camera, system" should be written as "The network camera system". Is the

claim meant to recite “the program corresponding to the layout information based on the link destination”? Appropriate correction is required.

6. **Claims 24-26** are objected to because of the following informalities: in lines 2-3, **claim 24** recites, “is configured to display one of an audio reproduction start or stop button”. The claim is written as a Markush language type claim. Meeting one species of a genus family anticipates the claimed subject matter. “A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus.” The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989). Furthermore, limitations in **claim 25** are related to the “audio reproduction start button” while in **claim 26**, the limitations are related to the “audio reproduction stop button”. **Claims 25 and 26** appear to be different Species of a genus. Appropriate correction is required.

7. **Claims 38-40** are objected to as discussed above in **claims 24-26**. Furthermore, **claims 39 and 40** appear to depend from apparatus **claim 22**. Are claims 39 and 40 meant to depend from method **claim 38**? Appropriate correction is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 17, 18, 23, 27, 30-32, 37, 41 and 44 are rejected under 35 U.S.C.**

103(a) as being unpatentable over Urisaka et al., US Patent 6,714,238 B2 in view of Tanaka, US Patent 6,473,796 B2.

Regarding claim 17, Urisaka et al. discloses a network camera system (See figs. 1 and 5), comprising: a plurality of network cameras (Fig. 1: 32; col. 3, lines 9-27), each of the plurality of the network cameras having a microphone (Fig. 1: 38; although the microphone appears to be separated from the camera, said microphone receives audio at the place where the camera is placed since they belong to the same terminal; col. 3, lines 9-56), the microphone collecting real-time audio data around the network camera having the microphone (Col. 3, lines 9-56), a web server (Fig. 5: 74; Urisaka et al also discloses that the invention can be used using the internet (Col. 7, lines 26-40)) configured to store layout information (See figs. 6 and 7; col. 5, line 65 – col. 7, line 40) for displaying on a screen of a terminal device an image taken by each of the plurality of the network cameras (See fig. 2), and to store a program for outputting audio data collected by the microphone of each of the plurality of the network cameras (Col. 5, line 65 – col. 7, line 40; by teaching that the server controls the audio input and output control devices, the camera control device and the video output device, Urisaka et al

discloses that the server is configured to store layout information for displaying on a screen of a terminal device an image taken by each of the plurality of the network cameras, and to store a program for outputting audio data collected by the microphone of each of the plurality of the network cameras); and a terminal device (Fig. 1: 10-1) configured to receive, from the web server, the layout information corresponding to each of the plurality of the network cameras (Col. 3, line 9 – col. 5, line 32; col. 5, line 65 – col. 7, line 40), and wherein the terminal device is configured to display, on the screen (Fig. 1: 46), an image from one of the plurality of the network cameras based on the layout information (See figs. 2 and 3), to receive from the web server the program corresponding to the layout information, to input the real-time audio data collected by the microphone of the network camera which corresponds to the layout information, and to output the real-time audio data from the terminal device based on the program (Col. 3, line 9 – col. 5, line 9; col. 5, line 65 – col. 7, line 40).

Urisaka et al. does not explicitly disclose that link destination information, which indicates a storage place of the program, is embedded in the layout information; and that the program corresponds to the layout information based on the link destination information embedded in the layout information.

Tanaka discloses a network camera system (Fig. 1), comprising: a network terminal (Fig. 1: 108); at least one network camera (Fig. 1: 101) connected to the network terminal via a network (See fig. 1; the camera is connected to the network terminal 110 via server 102 which is connected to the network terminal as shown in fig. 1); and wherein the network camera comprises: a camera unit (Fig. 1: 101); wherein a

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server (Fig. 1: 102 connected to the camera), wherein when the network terminal 108 on a network connects to the server 102 in hyper text transfer protocol (using an internet address; see col. 3, line 39 – col. 4, line 37) and requests the server to transmit a file of its home page, the server transmits a file to the network terminal, including a description for causing the network terminal to request the server to transmit an applet for performing automatic reception (This teaches that link destination information (URL), which indicates a storage place of the program, is embedded in the layout information, since the program is associated with the camera and the server (the program is stored in the file system 106 of the server))). When the network terminal receives this file, transmission of the applet is requested, and the server transmits the applet, which is used to control operations of the network camera (Col. 2, lines 56-67; col. 3, line 7 – col. 4, line 38; col. 4, lines 61-67; col. 5, line 33 – col. 6, line 4).

Therefore, taking the combined teaching of Urisaka et al. in view of Tanaka as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Urisaka et al. to have link destination information, which indicates a storage place of the program, embedded in the layout information; and that the program corresponds to the layout information based on the link destination information embedded in the layout information. The motivation to do so would have been to improve the network camera system by allowing a plurality of terminal connected to a network to control the image data and sound data received from the network camera using a common browser which is already included in most computers

eliminating the requirement of using a specific software that has to be installed to the computer or network terminal before communicating with said.

Regarding claim 18, claim 18 is written in a Markush type by using the expression "the program is one of an applet and a plug-in", meeting one species of a genus family anticipates the claimed subject matter. "A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus." The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

The combined teaching of Urisaka et al. in view of Tanaka teaches that the program is an applet (See Tanaka, col. 4, lines 5-37).

Regarding claim 23, the combined teaching of Urisaka et al. in view of Tanaka teaches that the terminal device has a memory for storing display order information, the display order information indicating an order of displaying a plurality of images transmitted from the plurality of the network cameras (See plurality of images displayed with an arrangement having a specific order as shown in fig. 2: 58 (the order of the images is displayed as a grid)), on the screen of the terminal device, respectively (See col. 4, lines 6-59). Grounds for rejecting claim 17 apply here.

Regarding claim 27, the combined teaching of Urisaka et al. in view of Tanaka teaches that the program is configured to display a button (See Urisaka et al., interface as shown in fig. 2), the button being utilized for inputting a display order of displaying a plurality of images transmitted from the plurality of network cameras on the screen

(Urisaka et al. teaches that the camera control can be used to select or give priority to certain remote camera terminal so that the user can control said camera from the plurality of cameras, this teaches inputting a display order of displaying the plurality of network cameras). Grounds for rejecting claim 17 apply here.

Regarding claim 30, the combined teaching of Urisaka et al. in view of Tanaka as discussed and analyzed in claim 17 teaches that the layout information comprises HTML data (See Tanaka, Col. 3, line 39 – col. 4, line 37).

Regarding claim 31, claim 32 is a method claim of the apparatus in claim 17. Limitations have been discussed and analyzed in claim 17.

Regarding claim 32, limitations have been discussed and analyzed in claim 18.

Regarding claim 37, limitations have been discussed and analyzed in claim 23.

Regarding claim 41, limitations have been discussed and analyzed in claim 27.

Regarding claim 44, limitations have been discussed and analyzed in claim 30.

10. Claims 19-22, 28, 29, 33-36, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urisaka et al., US Patent 6,714,238 B2 in view of Tanaka, US Patent 6,473,796 B2 and further in view of Nishida, US Patent 6,040,831.

Regarding claim 19, the combined teaching of Urisaka et al. in view of Tanaka fails to teach that the program is configured to output only the real-time audio data, which corresponds to an image located in the foreground, among a plurality of images displayed on the screen.

However, Nishida a method of changing the sound associated to a window based on the location of the window, the size of the window and the position of a plurality of windows, wherein when displaying a plurality of windows, only reproduction of sound related to an uppermost window in a plurality of image display window (See figs. 6 and 7; col. 9, lines 31-53) (Col. 4, line 45 – col. 5, line 19; col. 5, line 52 – col. 6, line 19; col. 6, line 46 – col. 7, line 55; col. 8, line 32 – col. 9, line 53; col. 10, lines 4-60; col. 11, lines 5-14).

Therefore, taking the combined teaching of Urisaka et al. in view of Tanaka and further in view of Nishida as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the applet in Urisaka et al. and Tanaka to output only the real-time audio data, which corresponds to an image located in the foreground, among a plurality of images displayed on the screen. The motivation to do so would have been to present the image and sound information in a way that said image and sound are in harmony or correspondence with each other as suggested by Nishida (Col. 5, lines 5-19; col. 12, lines 4-10).

Regarding claim 20, as discussed and analyzed in claim 19, by teaching that the applet would output only the real-time audio data, which corresponds to an image located in the foreground, among a plurality of images displayed on the screen, the combined teaching of Urisaka et al. in view of Tanaka and further in view of Nishida teaches deleting the real-time audio data, the audio data being transmitted from the camera which does not correspond to an image displayed in the foreground. Grounds for rejecting claim 19 apply here.

Regarding claim 21, the combined teaching of Urisaka et al. in view of Tanaka and further in view of Nishida as discussed and analyzed in claim 19 teaches that the program is configured to output the largest sound volume the real-time audio data of an image displayed in the center of the screen, among a plurality of images displayed on the screen device (See Nishida, col. 11, lines 5-14) (See also Nishida, col. 4, line 45 – col. 5, line 19; col. 5, line 52 – col. 6, line 19; col. 6, line 46 – col. 7, line 55; col. 8, line 32 – col. 9, line 53; col. 10, lines 4-60; col. 11, lines 5-14). Grounds for rejecting claim 19 apply here.

Regarding claim 22, the combined teaching of Urisaka et al. in view of Tanaka and further in view of Nishida as discussed and analyzed in claim 19 teaches that the program is configured to output the real-time audio data of an image with gradually reducing a sound volume, as it is displayed at a position deviated from the center position of the screen, among a plurality of images displayed on the screen of the terminal device (See Nishida, col. 11, lines 5-14) (See also Nishida, col. 4, line 45 – col. 5, line 19; col. 5, line 52 – col. 6, line 19; col. 6, line 46 – col. 7, line 55; col. 8, line 32 – col. 9, line 53; col. 10, lines 4-60; col. 11, lines 5-14). Grounds for rejecting claim 19 apply here.

Regarding claim 28, the combined teaching of Urisaka et al. in view of Tanaka and further in view of Nishida as discussed and analyzed in claim 19 teaches that the program is configured to adjust a sound volume from the microphone, in accordance with the display order input by the button (Nishida teaches that the sound is adjusted based on the arrangement of images (the position such as the uppermost or the closest

to the center would receive a higher sound volume compared to the images in the background or far from the center of the screen)) (Nishida, col. 4, line 45 – col. 5, line 19; col. 5, line 52 – col. 6, line 19; col. 6, line 46 – col. 7, line 55; col. 8, line 32 – col. 9, line 53; col. 10, lines 4-60; col. 11, lines 5-14). Grounds for rejecting claim 28 apply here.

Regarding claim 29, limitations have been discussed and analyzed in claim 19.

Regarding claim 33, limitations have been discussed and analyzed in claim 19.

Regarding claim 34, limitations have been discussed and analyzed in claim 20.

Regarding claim 35, limitations have been discussed and analyzed in claim 21.

Regarding claim 36, limitations have been discussed and analyzed in claim 22.

Regarding claim 42, limitations have been discussed and analyzed in claim 28.

Regarding claim 43, limitations have been discussed and analyzed in claim 29.

11. Claims 24-26 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urisaka et al., US Patent 6,714,238 B2 in view of Tanaka, US Patent 6,473,796 B2 and further in view of Anderson, US Patent 7,107,516 B1.

Regarding claim 24, claim 24 is written in a Markush type by using the expression “the program is configured to display one of an audio reproduction start or stop button”, meeting one species of a genus family anticipates the claimed subject matter. “A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus.” The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re

Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Although Urisaka et al. teaches buttons to control the sound (Fig. 2), the combined teaching of Urisaka et al. in view of Tanaka fails to teach that the program is configured to display one of an audio reproduction start or stop button.

However, Anderson teaches a camera system (Fig. 1), comprising a camera (Fig. 1: 110) connected to a host computer (Fig. 1: 112); the camera comprising a microphone (Anderson teaches that the camera can record sound by teaching a sound record button 426 as shown in fig. 4); a program transmitter (using USB or infrared transmission methods), which transmits an applet or a plug-in (Fig. 4: 152; see also figs. 5 and 6) to the host computer; camera transmits a web page (Col. 4, lines 1-51) attached with an image data and/or an audio data, to the host computer (Col. 6, line 54 – col. 7, line 4); and wherein the host computer, which operable by the applet or the plug-in to reproduce voice based on the audio data which associated with the image data (Col. 3, lines 30-57; col. 6, line 54 – col. 7, line 4; col. 8, lines 10-21). Anderson also discloses that the applet or the plug-in indicates a audio reproduction start button (See Anderson, fig. 6B: 190) and a audio reproduction stop button on an image displaying window screen displayed in the network terminal, and output of the audio data is selected in accordance with inputs through the audio reproduction start button (Col. 8, lines 10-20).

Therefore, taking the combined teaching of Urisaka et al. in view of Tanaka in view of Anderson as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Urisaka et al. and Tanaka to have an

audio reproduction start. The motivation to do so would have been to improve the capabilities of the network camera system by allowing the user better to control the reproduction of the real-time audio in a video conversation.

Although the audio button in Anderson appears to be to control the sound associated with an image, the combined teaching of Urisaka et al. in view of Tanaka in view of Anderson fails to teach a reproduction stop button.

However, Official Notice is taken that the use of a stop button separately from a start button to control audio is notoriously well known in the art and would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the network camera system by having a stop button to stop the real-time audio associated to the video being active. The motivation to do so would have been to ease the operation to the user when controlling the data received from the network camera.

Regarding claim 25, limitations can be found in claim 24.

Regarding claim 26, limitations can be found in claim 24.

Regarding claim 38, limitations have been discussed and analyzed in claim 24.

Regarding claim 39, limitations have been discussed and analyzed in claim 24.

Regarding claim 40, limitations have been discussed and analyzed in claim 24.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sato et al. 6,525,761 B2 discloses a network camera system, wherein multiple camera can be accessed using a web browser allowing the users of external terminals to control operations of the cameras in sad network camera system (col. 13, line 44 – col. 21, line 60).

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 9:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nelson D. Hernandez
Examiner
Art Unit 2622

NDHH
September 10, 2007


TUAN HO
PRIMARY EXAMINER